

# **Town Board Minutes**

## **The Municipal Review Committee**

June 20, 2016

### **Meeting No. 15**

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, acting as the Municipal Review Committee, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 20<sup>th</sup> of June 2016, at 6:00 PM and there were:

**PRESENT:** JOHN ABRAHAM, COUNCIL MEMBER  
DAWN GACZEWSKI, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
MATTHEW WALTER, COUNCIL MEMBER  
JOHANNA COLEMAN, SUPERVISOR  
REBECCA ANDERSON, PLANNING BOARD MEMBER  
ANTHONY GORSKI, PLANNING BOARD MEMBER  
JOSEPH KEEFE, PLANNING BOARD MEMBER  
KRISTIN MCCracken, PLANNING BOARD MEMBER  
MELVIN SZYMANSKI, PLANNING BOARD MEMBER  
NEIL CONNELLY, PLANNING BOARD CHAIRMAN

**ABSENT:** LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER

**ALSO PRESENT:** DIANE TERRANOVA, TOWN CLERK  
KEVIN LOFTUS, TOWN ATTORNEY  
MATTHEW FISCHIONE, CODE ENFORCEMENT OFFICER  
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

### **PURPOSE OF MEETING:**

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for three (3) actions.

**IN THE MATTER OF THE STATE ENVIRONMENTAL QUALITY  
REVIEW (SEQR) OF THE  
O'CONNELL ELECTRIC INDUSTRIAL OFFICE/WAREHOUSE BUILDING**

The Municipal Review Committee reviewed the Short Environmental Assessment Form on the O'Connell Electric Industrial Office/Warehouse Building matter with an item for item review and discussion of the project impact and magnitude as outlined on the Short Environmental Assessment Form entitled "Part 2 Environmental Assessment" which was provided to each member.

**PLEASE TAKE NOTICE**, that the Municipal Review Committee of the Town of Lancaster, acting as an advisory committee to provide input to the Town Board, the designated lead agency under the State Environmental Quality Review Act (SEQRA), has reviewed the following described proposed action, which is an **unlisted action**, and that committee recommends that there are no significant adverse environmental impacts relative to the criteria found in 6 NYCRR § 617.7, and further recommends that the lead agency issue a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with § 617.12.

**NAME AND ADDRESS OF LEAD AGENCY**

Lancaster Town Board  
21 Central Avenue  
Lancaster, New York 14086  
Kevin Loftus, Town Attorney  
716-684-3342

**NATURE, EXTENT AND LOCATION OF ACTION:**

The proposed development is of a parcel involving approximately 5.88± acres.

The location of the premises being reviewed is Lancaster Parkway, Lancaster, New York 14086, Erie County.

This project is described as the necessary approvals and/or permits to develop and construct a 15,000± sq. ft. industrial office/warehouse building located on 5.88± acres on Lancaster Parkway in the Town of Lancaster, NY. The proposed development will also include a stoned storage area. Additional work will include all supporting site infrastructure for the development. The proposed project ("action") includes all discretionary approvals and/or permits from the Town of Lancaster and involved agencies.

THE FOLLOWING MOTION WAS OFFERED  
BY COUNCIL MEMBER ABRAHAM, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER GACZEWSKI, TO WIT:

That the Municipal Review Committee has reviewed the potential environmental impacts associated with the O'Connell Electric Industrial Office/Warehouse Building matter identified in the Environmental Assessment Form, and, under the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3) for the reasons indicated below based on the discussion of each criterion specified in 6 NYCRR § 617.7(c)(1), the Project will not have a significant adverse impact on the environment and therefore recommends that the Town Board finds that there are no significant adverse impacts from the proposed project and issue a Negative Declaration.

**REASONS SUPPORTING RECOMMENDATION**

- 1. The proposed action will not create a material conflict with an adopted land use plan or zoning regulations.
- 2. The proposed action will not result in a change in the use or intensity of use of land.
- 3. The proposed action will not impair the character or quality of the existing community.
- 4. The Town of Lancaster has not established a Critical Environmental Area (CEA).
- 5. The proposed action will not result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway.
- 6. The proposed action will not cause an increase in the use of energy or fail to incorporate reasonably available energy conservation or renewable energy opportunities.
- 7. The proposed action will not impact existing public/private water supplies or public/private wastewater treatment utilities.
- 8. The proposed action will not impair the character or quality of important historic, archaeological, architectural or aesthetic resources.
- 9. The proposed action will not result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora or fauna).
- 10. The proposed action will not result in an increase in the potential for erosion, flooding or drainage problems.
- 11. The proposed action will not create a hazard to environmental resources or human health.

**BE IT FURTHER**

**RESOLVED**, that the MRC’s recommendation be sent to the Town Board, for its review and consideration as the lead agency for the Action.

The question of the adoption of the foregoing Recommendation was duly put to a vote which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES
PLANNING BOARD MEMBER ANDERSON	VOTED	YES
PLANNING BOARD MEMBER GORSKI	VOTED	YES
PLANNING BOARD MEMBER KEEFE	VOTED	YES
PLANNING BOARD MEMBER KORZENIEWSKI	WAS ABSENT	
PLANNING BOARD MEMBER MCCracken	VOTED	YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED	YES
PLANNING BOARD CHAIRMAN CONNELLY	VOTED	YES

The Motion to Recommend was thereupon adopted.

June 20, 2016

**IN THE MATTER OF THE STATE ENVIRONMENTAL QUALITY  
REVIEW (SEQR) OF THE**

**FREEMAN ROAD HOTEL DEVELOPMENT**

The Municipal Review Committee reviewed the Long Environmental Assessment Form on the Freeman Road Hotel Development matter with an item for item review and discussion of the project impact and magnitude as outlined on the Long Environmental Assessment Form entitled “Part 2 Project Impacts and Their Magnitude” which was provided to each member.

**PLEASE TAKE NOTICE**, that the Municipal Review Committee of the Town of Lancaster, acting as an advisory committee to provide input to the Town Board, the designated lead agency under the State Environmental Quality Review Act (SEQRA), has reviewed the following described proposed action, which is an **Type 1**, and that committee recommends that there are no significant adverse environmental impacts relative to the criteria found in 6 NYCRR § 617.7, and further recommends that the lead agency issue a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with § 617.12.

**NAME AND ADDRESS OF LEAD AGENCY**

Lancaster Town Board  
21 Central Avenue  
Lancaster, New York 14086  
Kevin Loftus, Town Attorney  
716-684-3342

**NATURE, EXTENT AND LOCATION OF ACTION:**

The proposed development is of a parcel involving approximately 3.87 acres.

The location of the premises being reviewed is 48 Freeman Road, Lancaster, New York 14086, Erie County.

This project is described as redevelopment of a 4 story hotel with 169 hotel rooms and associated infrastructure improvements.

THE FOLLOWING MOTION WAS OFFERED      BY  
PLANNING BOARD CHAIRMAN CONNELLY, WHO  
MOVED ITS ADOPTION,                      SECONDED BY  
COUNCIL MEMBER RUFFINO,                      TO WIT:

That the Municipal Review Committee has reviewed the potential environmental impacts associated with the Freeman Road Hotel Development project identified in the Environmental Assessment Form, and, under the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3) for the reasons indicated below based on the discussion of each criterion specified in 6 NYCRR § 617.7(c)(1), the Project will not have a significant adverse impact on the environment and therefore recommends that the Town Board finds that there are no significant adverse impacts from the proposed project, and issue the following Negative Declaration.

## **REASONS SUPPORTING RECOMMENDATION**

- 1. Impact on land -No impact.**
- 2. Impact on Geological Features – No impact.**
- 3. Impacts on Surface Water – No impact.**
- 4. Impact on Groundwater – No impact.**
- 5. Impact on Flooding – No impact.**
- 6. Impact on Air – No impact.**
- 7. Impact on Plants and Animals – No impact.**
- 8. Impact on Agricultural Resources – No impact.**
- 9. Impact on Aesthetic Resources – No impact.**
- 10. Impact on Historic and Archeological Resources – No impact.**
- 11. Impact on Open Space and Recreation – No impact.**
- 12. Impact on Critical Environmental Areas – N/A**
  - The Town of Lancaster has not established a Critical Environmental Area (CEA).
- 13. Impact on Transportation – No impact.**
- 14. Impact on Energy – No impact.**
- 15. Impact on Noise, Odor and Light – No impact.**
- 16. Impact on Human Health – No impact.**
- 17. A small impact on the Consistency with Community Plans is noted.**
  - The applicant will file for variances.
- 18. Consistency with Community Character – No impact.**

and,

**BE IT FURTHER**

**RESOLVED**, that the MRC’s recommendation be sent to the Town Board, for its review and consideration as the lead agency for the Action.

The question of the adoption of the foregoing Recommendation was duly put to a vote which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES
PLANNING BOARD MEMBER ANDERSON	VOTED	YES
PLANNING BOARD MEMBER GORSKI	VOTED	YES
PLANNING BOARD MEMBER KEEFE	VOTED	YES
PLANNING BOARD MEMBER KORZENIEWSKI	WAS ABSENT	
PLANNING BOARD MEMBER MCCRACKEN	VOTED	YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED	YES
PLANNING BOARD CHAIRMAN CONNELLY	VOTED	YES

The Motion to Recommend was thereupon adopted.

June 20, 2016

**IN THE MATTER OF THE STATE ENVIRONMENTAL QUALITY  
REVIEW (SEQR) OF THE  
REZONING OF 00 BROADWAY**

The Municipal Review Committee reviewed the Long Environmental Assessment Form on the Rezoning of 00 Broadway matter with an item for item review and discussion of the project impact and magnitude as outlined on the Long Environmental Assessment Form entitled “Part 2 Project Impacts and Their Magnitude” which was provided to each member.

**PLEASE TAKE NOTICE**, that the Municipal Review Committee of the Town of Lancaster, acting as an advisory committee to provide input to the Town Board, the designated lead agency under the State Environmental Quality Review Act (SEQRA), has reviewed the following described proposed action, which is an **Type 1**, and that committee recommends that there are no significant adverse environmental impacts relative to the criteria found in 6 NYCRR § 617.7, and further recommends that the lead agency issue a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with § 617.12.

**NAME AND ADDRESS OF LEAD AGENCY**

Lancaster Town Board  
21 Central Avenue  
Lancaster, New York 14086  
Kevin Loftus, Town Attorney  
716-684-3342

**NATURE, EXTENT AND LOCATION OF ACTION:**

The proposed development is of a parcel involving approximately 7.9 acres.

The location of the premises being reviewed is 00 Broadway, Lancaster, New York 14086, Erie County.

This project is described as the rezoning of approximately 7.9 acres from General Business District (“GB”) and Agricultural Residential District One (“A-R”) to Multifamily Residential District Four (MFR-4”) to accommodate an expansion of a previously approved multifamily community on contiguous property directly east of the Project Site. The project consists of 4 three-story buildings containing a total of 104 upscale attached residential units and related site improvements including detached garages, access aisles, parking spaces, landscaping, utility connections, etc. The layout of the proposed project is depicted on the Site Plan prepared by Carmina Wood Morris, P.C. dated February 15, 2016. The proposed project is an Unlisted Action pursuant to the State Environmental Quality Review Act (“SEQRA”) since it does not cross any of the thresholds for a Type 1 action per 6 NYCRR Part 617.4. It is anticipated that the Town of Lancaster Town Board will be the lead agency for the required environmental review of the proposed project since the rezoning of the Project Site falls within the jurisdiction of the Town Board. The proposed project will also require Site Plan Approval from the Town Board and an area variance for height of the proposed principal buildings from the Zoning Board of Appeals.

THE FOLLOWING MOTION WAS OFFERED  
BY COUNCIL MEMBER ABRAHAM, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER GACZEWSKI, TO WIT:

That the Municipal Review Committee has reviewed the potential environmental impacts associated with the Rezoning of 00 roadway Project identified in the Environmental Assessment Form, and, under the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3) for the reasons indicated below based on the discussion of each criterion specified in 6 NYCRR § 617.7(c)(1), the Project will not have a significant adverse impact on the environment and therefore recommends that the Town Board finds that there are no significant adverse impacts from the proposed project, and issue the following Negative Declaration.

#### **REASONS SUPPORTING RECOMMENDATION**

- 1. A small impact on land is noted.**
  - The proposed action may involve construction that continues for more than one year and in multiple phases.
- 2. Impact on Geological Features – No impact.**
- 3. A small impact on Surface Water is noted.**
  - The proposed action involves construction adjacent to a federal wetland.
- 4. Impact on Groundwater – No impact.**
- 5. Impact on Flooding – No impact.**
- 6. Impact on Air – No impact.**
- 7. Impact on Plants and Animals – No impact.**
- 8. Impact on Agricultural Resources – No impact.**
- 9. Impact on Aesthetic Resources – No impact.**
- 10. Impact on Historic and Archeological Resources – No impact.**
- 11. Impact on Open Space and Recreation – No impact.**
- 12. Impact on Critical Environmental Areas – N/A**
  - The Town of Lancaster has not established a Critical Environmental Area (CEA).



13. **A small impact on Transportation is noted.**
  - The impact is mitigated by a traffic light timing change.
14. **Impact on Energy – No impact.**
15. **Impact on Noise, Odor and Light – No impact.**
16. **Impact on Human Health – No impact.**
17. **A small impact on the Consistency with Community Plans is noted.**
  - The proposed action needs to be rezoned.
18. **Consistency with Community Character – No**

and,

**BE IT FURTHER**

**RESOLVED,** that the MRC’s recommendation be sent to the Town Board, for its review and consideration as the lead agency for the Action.

The question of the adoption of the foregoing Recommendation was duly put to a vote which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES
PLANNING BOARD MEMBER ANDERSON	VOTED	YES
PLANNING BOARD MEMBER GORSKI	VOTED	YES
PLANNING BOARD MEMBER KEEFE	VOTED	YES
PLANNING BOARD MEMBER KORZENIEWSKI	WAS ABSENT	
PLANNING BOARD MEMBER MCCRACKEN	VOTED	YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED	YES
PLANNING BOARD CHAIRMAN CONNELLY	VOTED	YES

The Motion to Recommend was thereupon adopted.

June 20, 2016

**ADJOURNMENT:**

ON MOTION OF PLANNING BOARD CHAIRMAN CONNELLY  
AND SECONDED BY PLANNING BOARD MEMBER ANDERSON FOR  
ADJOURNMENT OF THE MEETING, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES
PLANNING BOARD MEMBER ANDERSON	VOTED	YES
PLANNING BOARD MEMBER GORSKI	VOTED	YES
PLANNING BOARD MEMBER KEEFE	VOTED	YES
PLANNING BOARD MEMBER KORZENIEWSKI	WAS ABSENT	
PLANNING BOARD MEMBER MCCRACKEN	VOTED	YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED	YES
PLANNING BOARD CHAIRMAN CONNELLY	VOTED	YES

The meeting was adjourned at 6:24 P.M.

Signed \_\_\_\_\_  
Diane M. Terranova, Town Clerk